

1 Julius Bradford
2 High Desert State Prison
3 P.O. Box 650
4 Indian Springs, NV 89070
5 NDOC # 81604

6
7 United States District Court
8 District Of Nevada
9

10 Julius Bradford, }
11 Plaintiff, }
12 vs. }
13 Steve Sisolak, et al. }
14 Defendants. }

Case No. 2:20-cv-00871-APG-BNW

Motion For Leave To File Amended Complaint
And To Forego Using Standard Civil Rights Form

15
16 Motion For Leave To File Amended Complaint
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18

19 Comes Now, the Plaintiff, Julius Bradford, appearing in Pro Se, and hereby
20 moves this Honorable Court to allow Plaintiff to file the attached proposed
21 Amended Complaint and to also forego using the standard Civil Rights
22 Complaint Form provided to inmates bringing claims pursuant to
23 42 U.S.C. § 1983 in this Court.

24 This Motion is made pursuant to LR 15-1 and FRCP 15(a)(2),
25 and is based upon the ~~att~~ points and authorities included in
26 support hereof.

27 Points And Authorities

28 I. Amending My Original Complaint
(1)

Both LR 15-1 and FRCP 15(a) allow for a litigant to seek leave to file an amended Complaint. The filing of the attached proposed Amended Complaint will not prejudice any of the Defendants because they have not been served in this action yet.

Further, the filing of the attached proposed Amended Complaint at this time, before the Court enters its screening order, saves time for the opposing parties insofar as they will not be forced to begin responding to the original Complaint and then have to respond to an Amended Complaint.

2. Foregoing Usage Of Standard Civil Rights Complaint Form

FRCP 4 provides that this Court may administer the Local Rules in any way which ultimately secures the just, speedy, and inexpensive determination of every action and proceeding.

a. Section 1983 Claims Are Ancillary

The primary purpose of this action is to challenge the constitutionality of Senate Bill No. 2 (1957); 1957 Statutes of Nevada, Chapter 2; NRS 220.170; and its progeny, the codified Nevada Revised Statutes. All of the other claims derive from the enforcement, protection, and concealment of their infirmities and injurious nature. In short, this is foremost an action brought pursuant to 28 U.S.C. § 2201.

b. Substantive Due Process Claims

Even prisoners who pay the filing fee upfront are subject to have their Complaints "screened" when suing government officials/employees. This puts us on somewhat unequal footing insofar as not having an opportunity to be heard before certain claims are dismissed *ava sponte*, in contrast to being able to respond to a motion under

1 FRCP 12(b)(6). In order to properly proffer "historical, textual, or controlling
 2 precedential support" for the due process rights asserted in the
 3 proposed Amended Complaint, it's necessary for me to file a more
 4 traditional Complaint rather than be constricted in trying to adhere
 5 to the standard form's legal argument/citation prohibition. (See e.g.,
 6 Washington v. Glucksberg, 521 US 702, at 720-722 (1997); Carlisle
 7 v. United States, 517 US 416, at 429 (1996)).

8 C. Ashcroft v. Iqbal

9 While NOT having any national security implications as
 10 was the case in Ashcroft v. Iqbal, 556 US 662 (2009), this
 11 action does seek damages against officials at the highest-levels
 12 of state and local government in Nevada.

13 Further, the intricacies involved in the concealment and
 14 obfuscation alleged ~~here~~ in this action require a more detailed
 15 pleading in order to properly set the issues before this Court.
 16 Conclusion

17 For the foregoing reasons this Court should grant the Motion
 18 in all respects.

19 Dated: 10-26-20

20 IT IS ORDERED that ECF No. 12 is
 21 GRANTED.

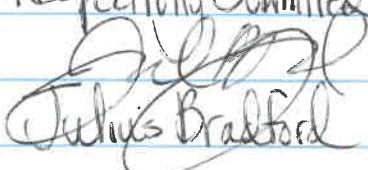
22 IT IS FURTHER ORDERED that the
 23 Clerk of Court shall detach and
 24 separately file Plaintiff's Amended
 25 Complaint.

26 IT IS SO ORDERED

27 DATED: 4:16 pm, October 30, 2020

28 

BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted,

 Julius Bradford

IT IS SO ORDERED:

United States District Judge
 Dated: _____

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